

DISCUSSION OF THE AMENDMENT

The Abstract has been shortened and terminology such as "said" deleted.

Claim 1 has been amended to recite that the sheet is --non-transparent--, as supported throughout the specification.

Claim 1 has been additionally, and Claims 2, 8, 10 and 11 have been, amended, by deleting alternative, narrower limitations. New Claims 16-21 have been added to claim the subject matter deleted by this amendment.

Claims 9-11 have been amended by replacing the term "where appropriate" with --optionally--. Claim 10 has been additionally amended by inserting --optionally,-- before "conventional additives", as supported in the specification at page 28, line 11. Claim 11 has been additionally amended by changing "into the highly filled plastics matrix" with --therein--, to avoid a lack of antecedent basis. Claim 13 has been amended to depend on Claim 12. Finally, Claim 15 has been amended by rearranging it to require that the claimed non-transparent sound-deadening unit comprise a noise barrier.

No new matter is believed to have been added by the above amendment. Claims 1-21 are now pending in the application.

REMARKS

The rejection of Claims 1-6 and 15 under 35 U.S.C. § 102(b) as anticipated by U.S. 6,305,492 (Oleiko et al), is respectfully traversed. As described in the specification beginning at page 1, line 22, transparent noise barriers made from plastics materials such as polymethylmethacrylate (PMMA) are known, but have a relatively high price. In addition, known transparent plastic sound-deadening sheets are generally composed of acrylic sheets with dimensions of about 2 × 2 m, which in the case of relatively large noise barriers gives a corresponding separation of posts between one unit of the barrier and the next; that stronger sheets would have to be used if the separation between posts were to be increased; and nevertheless, wind load calculations show that for certain extreme wind loads even the use of acrylic sheets with thicknesses of 25, 30 or 35 mm is insufficient to meet the requirements, quite apart from the high price of acrylic sheets of these thicknesses.

Oleiko et al would appear to be an example of such a prior art sheet. Not only is the sheet of Oleiko et al transparent, but it is **intentionally** transparent, since a goal of Oleiko et al is to form a noise-protection wall that is not only transparent, but visually as inconspicuous as possible and barely perceptible (column 2, lines 32-36), which noise-protection wall segments consequently permit, for the first time, the provision of transparent noise-protection walls having transparent posts (column 3, lines 6-13). The present invention, on the other hand, is directed to **non-transparent** acrylic sheets.

While Oleiko et al discloses that various additives, such as fillers, may be added in an amount up to 80 wt.%, preferably up to 30 wt.%, Oleiko et al clearly exclude the presence of materials, and in such amounts, which would make their transparent sheets non-transparent.

If a proposed modification would render a prior art invention unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 221 USPQ 1125 (Fed. Cir. 1984). See also MPEP 2143.01.

For all the above reasons, it is respectfully requested that this rejection be withdrawn.

The rejections under 35 U.S.C. § 103(a) of:

Claim 7 as unpatentable over Oleiko et al in view of U.S. 4,904,760 (Gaku et al);

Claims 8 and 10 as unpatentable over Oleiko et al in view of EP 0516299 (Imperial);

Claim 9 as unpatentable over Oleiko et al in view of U.S. 2003/0017289 (Schoela et al);

Claim 11 as unpatentable over Oleiko et al in view of WO 01/43952 (Boesman et al);
and

Claims 12-14 as unpatentable over Oleiko et al in view of U.S. 3,780,156 (Cameron),
are all respectfully traversed.

None of the additional prior art provides any suggestion or motivation to make a fundamental change to Oleiko et al from a transparent material to a non-transparent material. See *Gordon, infra*. Accordingly, it is respectfully requested that these rejections be withdrawn.

The rejections of claims under 35 U.S.C. § 112, second paragraph, as stated in paragraphs 8-18 of the Office Action, are respectfully traversed. Indeed, all these rejections would appear to be moot except for the term “conventional additives”, criticized in paragraph 10. However, as described in the specification at the paragraph beginning at page 28, line 11, such additives are known *per se* in this art, and indeed, such knowledge is supported by above-discussed Oleiko et al (column 10, line 30ff).

For all the above reasons, it is respectfully requested that these rejections be withdrawn.

The objection to the Abstract at paragraph 5 of the Office Action is now moot in view of the above-discussed amendment. Accordingly, it is respectfully requested that the objection be withdrawn.

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Regarding reference EP 0078640, listed in the Information Disclosure Statement filed November 1, 2004, Applicants agree with the Examiner that it appears to be a typographical error, yet this is the reference number actually cited in the corresponding International Search Report. Thus, any error is not that of Applicants.

Regarding paragraph 2 of the Office Action, 37 C.F.R. § 1.76(b)(5) permits providing such priority information in an Application Data Sheet in lieu of in the specification. The Application Data Sheet of record in this application provides the necessary information. Accordingly, it is respectfully requested that the requirement to insert this information in the specification be withdrawn.

All of the presently-pending claims in this application are now believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

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